

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA FOR)
THE USE AND BENEFIT OF)
HAMMERHEAD DISTRIBUTION)
INCORPORATED d/b/a MORRIS)
GINSBERG COMPANY,)

Plaintiff,)

v.)

Civil Action No. 11-1160-SLR-SRF

SAFECO INSURANCE COMPANY OF)
AMERICA, COMMONWEALTH)
CONSTRUCTION CO., INC., BEST)
INTERNATIONAL CONSTRUCTION)
CO., INC. and KYU H. PARK,)

Defendants.)

REPORT AND RECOMMENDATION

At Wilmington this 15th day of February, 2013, a Motion for Entry of Default Judgment Against Best International Construction Co., Inc. ("Best") having been filed by Plaintiff (D.I. 21), and the Clerk having entered an Entry of Default in Appearance as to Best on March 14, 2012 (D.I. 20), and a chapter 11 bankruptcy petition having been filed by Best on April 26, 2012,¹ I recommend that the court deny Plaintiff's motion without prejudice to renew upon resolution of the bankruptcy proceedings and termination of the automatic stay.

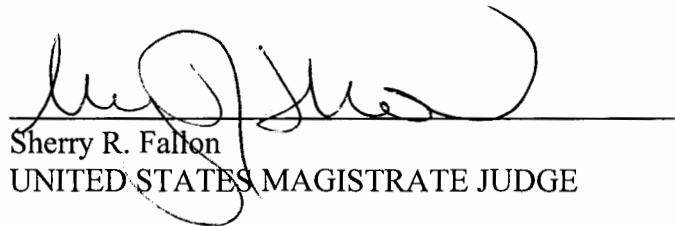
This Report and Recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b)(1), and D. Del. LR 72.1. The parties may serve and file specific written objections within fourteen (14) days after being served with a copy of this Report and Recommendation.

¹On April 26, 2012, Best filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Maryland, Case No. 12-17878. (D.I. 27 at 1)

Fed. R. Civ. P. 72(b). The failure of a party to object to legal conclusions may result in the loss of the right to de novo review in the district court. *See Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987); *Sincavage v. Barnhart*, 171 F. App'x 924, 925 n.1 (3d Cir. 2006).

The parties are directed to the Court's Standing Order In Non-Pro Se Matters For Objections Filed Under Fed. R. Civ. P. 72, dated November 16, 2009, a copy of which is available at <http://www.ded.uscourts.gov/court-info/local-rules-and-orders/general-orders>.

Dated: February 15, 2013



Sherry R. Fallon
UNITED STATES MAGISTRATE JUDGE